



CITY COUNCIL MINUTES 13-017

5:00 p.m.

Wednesday, September 25, 2013

Council Chambers

Hamilton City Hall

71 Main Street West

Present:	Mayor R. Bratina Councillors B. McHattie, J. Farr, B. Morelli, S. Merulla, C. Collins, T. Jackson, S. Duvall, T. Whitehead, B. Clark, B. Johnson, L. Ferguson, J. Partridge, R. Powers, R. Pasuta
Absent with Regrets:	Councillor M. Pearson - Vacation

The Mayor called upon Angelica Garcia-Hennings to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. CORRECTION

- 5.7 The correspondence, respecting a Petition from the Residence of East 19th Street respecting Road Improvements, should read "*West*" 19th Street

2. ADDED COMMUNICATION

- 5.9 Correspondence from John Ariens, IBI Group, respecting the Planning Committee's Denial of Zoning Application ZAC-12-048 for 1297 Baseline Road (Item 1 of Planning Committee Report 13-014 (PED13150))

Recommendation: Be received.

- 5.10 Correspondence from Sylvia Jones, MPP – Dufferin-Caledon, respecting her Private Members Bill – the Aggregate Recycling Promotion Act (Bill 56)

Recommendation: For the Consideration of Council

- 5.11 Correspondence from Arun Tathak, President of the Hamilton & District Apartment Association

Recommendation: Be received.

- 5.12 Correspondence from Viv Saunders, Anna Roberts and Nancy Bleakley on behalf of the Lakewood Beach Community Council, respecting the Development of 2 Oceanic Drive, Stoney Creek

Recommendation: Be received and referred to the General Manager of the Planning & Economic Development Department and the City Clerk for appropriate action.

- 5.13 Correspondence from Mayor R. Bratina, respecting his Resignation from the Hamilton Police Services Board

Recommendation: Be received.

3. PRIVATE & CONFIDENTIAL

- 10.1 Update respecting the HSR Sexual Harassment Arbitration Decision

Pursuant to Section 8.1, Sub-sections (b)(d) and (f) of the City's Procedural By-law 10-053, and Section 239, Sub-sections (b),(d) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees, labour relations or employee negotiations and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

- 10.2 Public Works Investigation Update

Pursuant to Section 8.1, Sub-sections (b)(d) and (f) of the City's Procedural By-law 10-053, and Section 239, Sub-sections (b),(d) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees, labour relations or employee negotiations and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

(Powers/Ferguson)

That the agenda for the September 25, 2013 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor R. Pasuta declared a conflict respecting Item 6 of the Planning Committee Report 13-014 as he has recently purchased a property and may charge rent upon it in the future.

Councillor L. Ferguson declared a conflict respecting the portions of Item 7 of Planning Report 13-014 which relate to taxicabs as he has a financial interest in the taxi industry.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None.

APPROVAL OF MINUTES

4.1 September 11, 2013

(Johnson/Partridge)

That the Minutes of the September 11, 2013, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Farr/McHattie)

That Council Communications 5.1 through 5.13 be approved, as amended, as follows:

- 5.1 Correspondence from the Association of Municipalities of Ontario (AMO), respecting the Highlights of the August 2013 Board Meeting

(Powers/Johnson)

Recommendation: Be received.

- 5.2 Correspondence from Sharon Campbell-Springstead, President of the Rosedale Tennis Club, respecting a Request for a \$180,000 Loan

(Duvall/Morelli)

Recommendation: Be received and referred to the Acting General Manager of Finance & Corporate Services and the General Manager of Community Services for a joint report to the Audit, Finance & Administration Committee

- 5.3 Correspondence from Mayor Rob Burton, Town of Oakville, respecting a Proclamation Request for Chiari Awareness Month – September 2013

(Whitehead/Partridge)

Recommendation: Be received.

- 5.4 Correspondence from Pandit Roopnauth Sharma, President, Ontario Multifaith Council, respecting a Proclamation Request for Spiritual and Religious Care Awareness Week – October 14 to 20, 2013

(Powers/Farr)

Recommendation: Be received.

- 5.5 Correspondence respecting the Proposed Rental Housing By-law

- (a) Steven Kealy
- (b) Juliane Burgess
- (c) Chris Hill
- (d) Jason Lambert

(Whitehead/Collins)

Recommendation: Be received.

- 5.6 Correspondence from the Honourable Kathleen Wynne, Premier of Ontario, respecting Menu Labelling, Tanning Beds and Dental Care

(Pasuta/Ferguson)

Recommendation: Be received.

- 5.7 Correspondence (Petition) from the Residence of West 19th Street respecting Road Improvements

(Whitehead/Jackson)

Recommendation: Be received.

- 5.8 Correspondence from Don Head, Commissioner of Correctional Services Canada, respecting a Proclamation Request for Restorative Justice Week – November 17 to 23, 2013

(Jackson/Duvall)

Recommendation: Be received.

- 5.9 Correspondence from John Ariens, IBI Group, respecting the Planning Committee's Denial of Zoning Application ZAC-12-048 for 1297 Baseline Road (Item 1 of Planning Committee Report 13-014 (PED13150))

(Johnson/Whitehead)

Recommendation: Be received and referred to the discussion of item 1 of Planning Committee Report 13-014

- 5.10 Correspondence from Sylvia Jones, MPP – Dufferin-Caledon, respecting her Private Members Bill – the Aggregate Recycling Promotion Act (Bill 56)

(Ferguson/Powers)

Recommendation: Be endorsed

- 5.11 Correspondence from Arun Tathak, President of the Hamilton & District Apartment Association

(Jackson/Farr)

Recommendation: Be received.

- 5.12 Correspondence from Viv Saunders, Anna Roberts and Nancy Bleakley on behalf of the Lakewood Beach Community Council, respecting the Development of 2 Oceanic Drive, Stoney Creek

(Collins/Merulla)

Recommendation: Be received and referred to the General Manager of the Planning & Economic Development Department and the City Clerk for appropriate action.

- 5.13 Correspondence from Mayor R. Bratina, respecting his resignation from the Hamilton Police Services Board

(Ferguson/Johnson)

Recommendation: Be received.

CARRIED AS AMENDED

(Duvall/Whitehead)

That Council move into Committee of the Whole for consideration of the Committee Reports.

CARRIED

GENERAL ISSUES COMMITTEE REPORT 13-018

(Bratina/Partridge)

That the EIGHTEENTH Report of the General Issues Committee be received.

CARRIED

PUBLIC WORKS COMMITTEE REPORT 13-011

(Ferguson/Johnson)

That the ELEVENTH Report of the Public Works Committee be adopted, and the information section received.

CARRIED

BOARD OF HEALTH REPORT 13-008

(Bratina/Pasuta)

That the EIGHTH Report of the Board of Health be adopted, and the information section received.

CARRIED

PLANNING COMMITTEE REPORT 13-014

Item 1 Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1297 Baseline Road (Stoney Creek) (PED13150) (Ward 11)

(Johnson/Clark)

That Item 1 of the Planning Committee Report 13-014 be amended by deleting it in its entirety and replacing it with the following in lieu thereof:

That the development of 3 single detached residential lots be permitted subject to the following:

- (a) That approval be given to REVISED Zoning By-law Amendment Application ZAC-12-048, by Massimo Cretaro, (Owner), for a change in zoning from the Neighbourhood Development "ND" Zone (Block 1) and the Single Residential "R1" Zone (Block 2) to the Single Residential "R2-63" Zone, in order to permit the development of 3 single detached dwellings (see Appendix "C" attached hereto), on the lands located at 1297 Baseline Road (Stoney Creek), as shown on Appendix "A" to Report PED13150, subject to the following conditions:
 - (i) That the revised draft Zoning By-law, attached hereto as Appendix "B", which has been prepared in a form satisfactory to the City Solicitor, be enacted;
 - (ii) That the amending Zoning By-law be added to Map 4 of Schedule "A" of Zoning By-law No. 3692-92;
 - (iii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan.

**Amendment CARRIED
Main Motion as Amended CARRIED**

Item 6 Rental Housing Licensing By-law (PED10049(m)) (City Wide)

(Clark/Johnson)

That Item 6 of the Planning Committee Report 13-014 be amended by adding new sub-sections (c) and (d) to read as follows:

- (c) That, when carrying out enforcement under the permanent proactive rental housing enforcement program, staff be directed to continue to take into consideration; throughout such enforcement, an owner's good faith efforts to actively seek compliance with Zoning By-law requirements through meetings, correspondence and/or applications with the Planning and Economic Development Department;
- (d) That a charge not be laid for 5 months following the identification of the illegal use, subject to such good faith efforts by the owner to comply continuing and except for situations where immediate health or safety concerns may be a factor.

(McHattie/Merulla)

- (i) That sub-section (c) be further amended through the addition of the phrase "except for situations where immediate health or safety concerns may be a factor" following "Planning and Economic Development Department";
- (ii) That sub-section (d) be deleted in its entirety.

Amendments CARRIED

(Clark/Johnson)

That sub-section (a)(i) to Item 6 of the Planning Committee Report 13-014 be amended by deleting the words "*until 2017 when the levy impact would be reduced to approximately \$175,000 annually*", to read as follows

- (a) That a permanent Proactive Enforcement Program to enforce rental housing conditions be approved, subject to the approval of items (i) and (ii) below:
 - (i) An additional 5 FTEs (4 enforcement officers and 1 support clerk) at an estimated net levy impact of \$275,000 annually ~~until 2017 when the levy impact would be reduced to approximately \$175,000 annually;~~

Amendment CARRIED

Main Motion as Amended CARRIED

(Johnson/Clark)

That the FOURTEENTH Report of the Planning Committee be adopted, as amended, and the information section received.

CARRIED

GENERAL ISSUES COMMITTEE REPORT 13-019

Item 5 Request from John McGreal to Place King George Public School on the City's Register of Significant Buildings

(McHattie/Clark)

That the motion be deleted in its entirety and replaced with the following to read as follows:

- (a) That staff be directed undertake a Full Cultural Heritage Assessment and evaluation of King George Public School located at 77 Gage Avenue North, Hamilton with a view to prospective designation;
- (b) That the Cultural Heritage Assessment and evaluation be placed in staff's work program as a top priority.

**Amendment CARRIED
Main Motion as Amended CARRIED**

(Farr/Merulla)

That Item 5 of General of Issues Committee Report 13-019 respecting Request from John McGreal to Place King George Public School on the City's Register of Significant Buildings, be reconsidered.

Reconsideration CARRIED

(Farr/Collins)

That item 5 of General Issues Committee Report 13-019 be deleted in its entirety and replaced with the following:

Item 5 Request from John McGreal to Place King George Public School on the City's Register of Significant Buildings

That King George Public School be added to the City's Register of Significant Buildings in accordance with the Ontario Heritage Act.

**Amendment CARRIED
Main Motion as Amended CARRIED**

Item 13 Hamilton Police Services 2014 Budget

(Collins/Merulla)

That the motion be amended through the addition of "Staff and Board" after "Service" to read as follows"

That representatives from the Hamilton Police Services, Staff and Board, be invited to attend the November 26, 2013 meeting of the General Issues Committee to provide preliminary information and commence dialogue with respect to their 2014 budget.

Amendment CARRIED
Main Motion as Amended CARRIED

(Bratina/Partridge)

That the NINETEENTH Report of the General Issues Committee be adopted, as amended, and the information section received.

CARRIED

(Duvall/Whitehead)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Use of Conducted Energy Weapons (Tasers) and Non-Lethal Force by Sworn Officers

(Clark/Johnson)

Whereas, the Premier for the Province of Ontario recently announced the intention to relax restrictions on the use of conducted energy weapons (CEWs) by municipal police services; and

Whereas, Council will be required to debate the Hamilton Police Services Board budget request with respect to the purchase of CEWs (tasers) and training for increased use by sworn officers; and

Whereas, City Council does not have any background information on Police Services Board policies for CEW use or use of force;

Therefore Be It Resolved:

- (a) That Hamilton Police Services (HPS) Board be requested to provide copies of HPS Board policies, for sworn officers use of non-lethal force such as conducted energy weapons (tasers), batons, pepper spray, etc.;
- (b) That Hamilton Police Services (HPS) Board be requested to provide copies of any HPS Board policies directing sworn officers to use de-escalation techniques when apprehending potential assailants;
- (c) That the Mayor correspond with the Honourable Kathleen Wynne, Premier of Ontario, to request copies of any past funding agreements by the Province of Ontario regarding the purchase of conducted energy weapons and training of sworn personnel; and,

- (d) That staff be directed to provide an update of the 2013 first six month Police budget actuals compared to the first 6 months of the 2013 approved police budget at a future General Issues Committee meeting.

The Motion **CARRIED** on the following recorded votes:

Yeas: Bratina, Duvall, Jackson, Collins, Morelli, Farr, McHattie, Clark,
Johnson, Ferguson, Powers, Partridge, Whitehead, Pasuta
Total: 14
Nays: Merulla
Total: 1
Absent: Pearson
Total: 1

7.2 Appointment to the Hamilton Police Services Board

(Collins/Merulla)

That Councillor Lloyd Ferguson be appointed to the Hamilton Police Services Board, replacing Mayor Bob Bratina, for the remainder of the 2010-2014 term of Council.

CARRIED

(Collins/Merulla)

That the temporary appointment of Councillor Lloyd Ferguson to the Hamilton Police Services Board approved by Council on June 12, 2013, be rescinded.

CARRIED

NOTICES OF MOTION

Councillor Collins introduced the following Notice of Motion:

8.1 Burlington Lift Bridge

Whereas Hamilton City Council passed a Motion on May 25, 2005 asking the active participation and Funding of Public Works Canada in the design and construction of multi-use pathway on the Lake Side of the Burlington Lift Bridge; and

Whereas on September 14, 2005 Council received a positive response from the Ministry of Public Works and Government Services which indicated their support of the co-operative approach and commissioning of a study on the construction of a sidewalk; and

Whereas the Burlington Lift Bridge provides an essential Canal crossing link for motor vehicles and pedestrians via a sidewalk on the Bay side of the Structure; and

Whereas the cities of Burlington and Hamilton have linked their multi-use paths along their respective shorelines on the Lakeside of Eastport Drive leading directly to the Lift Bridge; and

Whereas a functional and safe means of crossing the Canal is required; and

Whereas promoting safe routes for cyclists will assist the Government of Canada in meeting its commitment to reduce greenhouse gas emissions with the added benefit of improving air quality and improving the sustainability of the cities of Burlington and Hamilton; and

Whereas it is in the public interest for all levels of government to act cooperatively and in partnership in funding and implementing a safe and functional connection across the Lift Bridge for the benefit of all users of the multiuse pathway;

Now Therefore Be It Resolved:

- (a) That the City of Hamilton requests, in co-operation with the City of Burlington, that Public Works Canada resume their active participation role in the design and funding of a multi-use pathway on the Lake side of the Burlington Lift Bridge to connect with the multiuse pathways in the City of Burlington and the City of Hamilton;
- (b) That a copy of this resolution be sent to the Minister of Public Works, area Members of Parliament, the City of Burlington, The Hamilton Port Authority, the Hamilton Waterfront Trust, the Hamilton Harbour Remedial Action Plan office and the Hamilton Cycling Committee.

STATEMENT BY MEMBERS

Members of Council used this opportunity to discuss matters of general interest.

PRIVATE AND CONFIDENTIAL

(Ferguson/ Powers)

That Council Move into Closed Session at 7:58 p.m. to discuss Item 10.1 Update respecting the HSR Sexual Harassment Arbitration Decision and Item 10.2 Public Works Investigation Update, pursuant to Section 8.1, Sub-sections (b),(d) and (f) of the City's Procedural By-law 10-053, and Section 239, Sub-sections (b),(d) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees, labour relations or employee negotiations and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

10.1 Update respecting the HSR Sexual Harassment Arbitration Decision

Helen Hale Tomasik, Executive Director Human Resources & Organizational Development provided a PowerPoint Presentation to Council in Open Session Copies have been included in the official record.

(Collins/Merulla)

- (a) That staff be directed to review the policy adopted in 2006 related to without cause severance payments and provide an update on historical numbers related to corporate payouts;
- (b) That staff be directed to Report to the General Issues Committee with options and alternatives related to without cause severance payments.

10.2 Update Public Works Investigation

The Mayor indicated that an update was provided in Closed Session.

BY-LAWS AND CONFIRMING BY-LAW

(Farr/Merulla)

That the Bill List for the September 25, 2013 meeting of Council be amended by adding the following as Bills 240 and 241 and renumbering the balance accordingly:

Bill No.

- | | |
|------------|---|
| 240 | To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting the Lands Located at 1297 Baseline Road
Not Final and Binding |
| 241 | To Amend Zoning By-law No. 05-200
Respecting Lands Located at 1361 Barton Street in the City of Stoney Creek
Amendment CARRIED |

(Farr/Merulla)

That Bills No. 13-230 to 13-242 be passed, and that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk to read as follows:

Bill No.

- | | |
|------------|---|
| 230 | To Incorporated City Land designated as 100, 105, and 106 on Plan 62M-1144
into Turi Drive |
| 231 | To Incorporate City Land
Designated as Block 98 on Plan 62M-1144
into Dunvegan Place |

Bill No.

- 232** To Incorporate City Land
Designated As Blocks 97 and 102 on Plan 62M-1144
into Greti Drive
- 233** To Incorporate City Land
Designated as Block 99 on Plan 62M-1144
into Mother's Street
- 234** To Repeal By-law No. 13-221: To Amend By-law No. 01-215,
Being a By-law To Regulate Traffic
- 235** Removal of Part Lot Control
Lot 22, Registered Plan No. 62M-1178
46 ODonnel Drive
- 236** To Amend By-law No. 01-218, as amended,
Being a By-law To Regulate On-Street Parking
Schedule 5 – Parking Meters
Schedule 6 – Time Limit Parking
Schedule 8 – No Parking Zones
Schedule 12 – Permit Parking Zones
Schedule 13 – No Stopping Zones
Schedule 15 – Commercial Vehicle Stopping Zones
Schedule 20 – School Bus Loading Zones
- 237** To Amend By-Law No. 06-147
Being a By-law to Authorize the City to Enter into Extension Agreements
- 238** To Amend Zoning By-law No. 90-145-Z (Flamborough),
Respecting Lands Located at 392, 488 & 530 Dundas Street East, Concession 3, Part
of Lots 2, 3, 4, & 5 (East Flamborough), in the former Town of Flamborough, now in the
City of Hamilton
Not Final and Binding
- 239** To Amend By-law 11-273 as amended, respecting the
Downtown and Community Renewal Community Improvement Plan
- 240** To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting the Lands Located at 1297 Baseline Road
Not Final and Binding
- 241** To Amend Zoning By-law No. 05-200
Respecting Lands Located at 1361 Barton Street in the City of Stoney Creek
- 242** To Confirm Proceedings of Council

CARRIED As Amended

(Partridge/Johnson)

That, there being no further business, the City Council meeting be adjourned at 11:07
p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

R. Caterini, B. Comm., AMCT
City Clerk
Office of the City Clerk